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Paper No. 15

Fritz Schaefer
Industrial Microwave Technologies, Inc.
545 Brandywine Drive
Colorado Spring, CO 80906

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In re Application of
Fritz Schaefer
Application No. 09/669,400
Filed: September 22, 2000
Title: PROCESS FOR TREATING WASTE
OIL

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 1.137(b)," filed September 29, 2003.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed August 15, 2002. This Notice set a time period of ONE MONTH from the mailing date of the notice to meet the requirements of 37 CFR 1.121, with extensions of time obtainable under § 1.136(a). No reply having been received and no extensions of time obtained, the application became abandoned effective September 16, 2002. A courtesy Notice of Abandonment was mailed on May 2, 2003.

Initial and renewed petitions under § 1.137(a), filed August 4, 2003 and August 25, 2003 respectively, were dismissed for failure to make an adequate showing of unavoidable delay (Decisions mailed August 12, 2003 and August 26, 2003 respectively).

On instant petition, petitioner requested revival based on unintentional delay. The petition included the reply required to the outstanding Office action in the form of an amendment; the petition fee set forth in 37 CFR § 1.17(m); and a statement that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.

The application file is being forwarded to Technology Center 1764 for consideration of the amendment by the examiner.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Nancy Johnson
Senior Petitions Attorney
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